

PUBLIC COPY

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



114

FILE:



Office: ROME, ITALY

Date:

JUN 25 2004

IN RE:

Applicant:



APPLICATION:

Application for Permission to Reapply for Admission into the United States after
Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to
the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the District Director, Rome, Italy, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Italy. On July 21, 1999, the Border Patrol arrested the applicant and it was discovered that he had overstayed his previous entry as a nonimmigrant visitor under the Visa Waiver Program (VWP). A Warrant of Deportation was issued and on August 4, 1999, the applicant returned to Italy. On January 14, 2000, the applicant attempted to gain entry into the United States at Niagara Falls, NY under the VWP. He was refused entry and was returned to Canada. On January 28, 2002, the applicant applied for a non-immigrant visa at the American Consulate in Rome, Italy in order to travel to the United States for business purposes. An Application for Permission to Reapply for Admission after Removal (Form I-212) was denied by the District Director, Rome, Italy on September 6, 2002. The applicant is now the beneficiary of an approved Petition for Alien Fiancé (Form I-129F). He is inadmissible pursuant section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii) and seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. 1182(a)(9)(A)(iii) in order to travel to the United States to marry and reside with his U.S. citizen fiancé.

The District Director determined that the applicant is inadmissible under sections 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for attempting to procure admission into the United States by fraud and willful misrepresentation of a material fact and 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II) and for having been unlawfully present in the United States for a period of one year or more. Additionally the District Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the Form I-212 application accordingly. *See District Director's Decision* dated August 18, 2003.

On appeal, filed on September 17, 2003, the applicant states that he will be sending a brief to the AAO within 30 days. To date, more than eight months later, no documentation has been received by the AAO. Additionally in the Notice of Appeal to the AAO (Form I-290B) the applicant fails to address the grounds of denial or state any reason for the appeal.

The regulation at 8 C.F.R. § 103.3(a)(1) states in pertinent part:

(v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal....

In the instant case the applicant has failed to identify any erroneous conclusion of law or statement of fact for the appeal and therefore it will be summarily dismissed.

ORDER: The appeal is summarily dismissed.